

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

No. CR17-218 RSL

Plaintiff,

V.

PRELIMINARY ORDER OF FORFEITURE

GREGORY L. SMITH,

Defendant.

THIS MATTER comes before the Court on the Unties States' Motion for Entry of a Preliminary Order of Forfeiture seeking to forfeit to the United States Defendant Gregory L. Smith's interest in the following property:

a. The following property, seized on or about August 13, 2017, from the premises of 12555 27th Avenue NW, Seattle, Washington:

1. Approximately \$28,878 in U.S. currency;
 2. Approximately \$6,873 in U.S. currency;

b. The following property seized on or about August 13, 2017, in SeaTac, Washington from the Defendant:

1. Approximately \$5,000 in U.S. currency;
 2. Approximately \$1,698 in U.S. currency;

1 c. The following property, seized on or about August 14, 2017, from the
2 defendant's residence, located at 10090 Des Moines Memorial Drive South, Seattle,
3 Washington:

- 4 1. One Target Patriot .327 Magnum caliber revolver, with serial
5 number 85768;
- 6 2. One Arminus HW3 Revolver, with serial number 74768;
- 7 3. One Taurus .357 Magnum caliber revolver, with serial number
8 NK 162356;
- 9 4. One Jiminez Arms 9mm caliber pistol, with serial number 204855;
- 10 5. One Taurus PT 1911 .45 caliber pistol, with serial number
11 NGM94882;
- 12 6. One Sig Sauer P320 pistol, with serial number 58B205003;
- 13 7. One Smith & Wesson .44 Magnum caliber revolver, with serial
14 number AWU4914;
- 15 8. One F.LLI Pietta revolver, with serial number PK123420;
- 16 9. One Mod RG26 .25 caliber pistol, with serial number U105649;
- 17 10. One Walther PK380 pistol, with serial number PK018647;
- 18 11. One New Frontier LN-15 rifle, with serial number NLV58417;
- 19 12. One Knight Black Powder rifle .50 caliber, with serial number
20 431361;
- 21 13. One Ruger .22 caliber rifle, with serial number 351-00955;
- 22 14. One Norinco SKS rifle, with serial number 824;
- 23 15. One Mossberg Model 88 12-gauge shotgun, with serial number
24 MV51206S;
- 25 16. One Extar EXP556 rifle, with serial number EP06637;
- 26 17. One Ruger SP101 .357 Magnum caliber revolver, with serial number
27 576-57384;
- 28 18. Approximately \$773,524.36 in U.S. currency;

- 1 19. One 50 gram Suisse fine gold bar inscribed with “07233”;
- 2 20. One 1 troy ounce fine gold bar inscribed with skull & bones image;
- 3 21. One 2 troy ounce gold bar inscribed with skull & bones image;
- 4 22. One 1 ounce Suisse fine gold bar inscribed with “B280405”;
- 5 23. One 1 ounce Suisse fine gold bar inscribed with “C032089”;
- 6 24. One 1 ounce Suisse fine gold bar inscribed with “C082464”;
- 7 25. One 1 ounce Suisse fine gold bar inscribed with “C018515”;
- 8 26. One 1 ounce Suisse fine gold bar inscribed with “C0105975”;
- 9 27. One 1 ounce Suisse fine gold bar inscribed with “C133456”;
- 10 28. One 1 ounce Suisse fine gold bar inscribed with “C148136”;
- 11 29. One 1 ounce Suisse fine gold bar inscribed with “C160340”;
- 12 30. One 2.5 gram Goldgram IGR gold bar inscribed with “B042077”;
- 13 31. One 2.5 gram Goldgram IGR gold bar inscribed with “U54064”;
- 14 32. One 5 gram fine gold bar inscribed with “No. 37605”;
- 15 33. One 1 ounce Perth Mint Australia fine gold bar;
- 16 34. One 1 ounce Valcambi Suisse fine gold bar inscribed with
“AA281672”;
- 17 35. One 1 ounce Valcambi Suisse fine gold bar inscribed with
“AA243558”;
- 18 36. Two 1 ounce Sunshine Minting fine gold bars;
- 19 37. One 1 ounce fine gold bar inscribed with “ebay”;
- 20 38. One 1 kilo fine silver bar inscribed with “D1072167”;
- 21 39. One 1 kilo fine silver bar inscribed with “D1072192”;
- 22 40. One 1 kilo fine silver bar inscribed with “D1081257”;
- 23 41. Six 5 troy ounce Apmex fine silver bars;
- 24 42. One 10 troy ounce SilverTowne fine silver bar;
- 25 43. One 10 ounce fine silver bar inscribed with “Reserve Scottsdale”;
- 26 44. One 1 Kilo Republic Metals Corp. fine silver bar;

- 1 45. One 10 ounce Johnson Matthey fine silver bar inscribed with
2 “R6160”;
3 46. One 1 Kilo RMC Republic Metals fine silver bar inscribed with
4 “D1057916”
5 47. One 5 troy ounce silver bar inscribed with “Pan American Silver
6 Corp.”;
7 48. One 10 troy ounce fine silver bar inscribed with “Proclaim Liberty”;
8 49. One 2016 China Gold Panda 500 Yuan 30 grams gold coin;
9 50. One 1/10 ounce Chinese Panda 50 Yuan gold coin;
10 51. One 1/4 ounce Chinese Panda 100 Yuan gold coin;
11 52. One 1/2 Chinese Panda 200 Yuan gold coin;
12 53. One 1/20 ounce Chinese Panda 20 Yuan gold coin;
13 54. One 2016 50 dollar gold Buffalo coin;
14 55. One American Gold Eagle 1/2 ounce fine gold coin;

15 d. The following property, seized on or about August 15, 2017, from storage

16 unit number L051, located at 10020 Martin Luther King Way South in Seattle,

17 Washington:

- 18 1. Approximately \$50,000 in U.S. currency;
19 2. One Glenfield Mod 25 .22 Caliber rifle, with serial number
20 72412279;
21 3. Assorted ballistic body armor plates;

22 e. The following property, seized on or about August 18, 2017, from a safe

23 deposit box located at 600 Pine Street in Seattle, Washington:

- 24 1. Approximately \$34,700 in U.S. currency;

25 f. The following property, seized on or about January 24, 2018:

- 26 1. Approximately \$7,535.35 in U.S. funds seized from Acorns
27 investment account ending in 3606, held in the name of Gregory
28 Smith;

2. Approximately \$10,014.83 in U.S. funds seized from a Stash Investments account held in the name of Gregory Smith;
 3. Approximately \$9,337.63 in U.S. funds seized from State Farm Investment Account ending in 1217, held in the name of Gregory Smith;
 4. Approximately \$2,106.17 in U.S. funds seized from TD Ameritrade account number ending in 9701, held in the name of Gregory Lynn Smith;
 5. Approximately \$1,625.87 in U.S. funds seized from Charles Schwab account number ending in 2478, held in the name of Gregory Lynn Smith;
 6. Approximately \$1,810.97 in U.S. funds seized from Charles Schwab account number ending in 2159, held in the name of Gregory Lynn Smith;
 7. Approximately \$239 in U.S. funds seized from PayPal account number ending in 8362 held in the name of Greg Smith;
 8. Approximately 1.81667391 bitcoins (“BTC”), seized from a Coinbase wallet held in the name of Gregory Smith;
 9. Approximately 1.51433523 units of bitcoin cash (“BCH”), seized from a Coin base wallet held in the name of Gregory Smith;
 10. Approximately 36.87098378 units of Ethereum (“ETH”), seized from a Coin base wallet held in the name of Gregory Smith;
 11. Approximately 96.42195615 litecoins, seized from a Coinbase wallet held in the name of Gregory Smith;
 12. Approximately 4.52972227 BCH seized from a Bread wallet belonging to Gregory Smith that was accessible via an Apple iPhone belonging to Smith, associated with the telephone number (XXX) XXX-XX17 (“Smith’s iPhone”);

- 1 13. Approximately 0.91872488 ETH, seized from a Blockchain wallet
2 belonging to Gregory Smith that was accessible via Smith's iPhone;
3 14. Approximately 0.91995441 BCH seized from a Blockchain wallet
4 belonging to Gregory Smith that was accessible via Smith's iPhone;
5 and
6 15. Approximately 0.91977609 units of Bitcoin Gold seized from a
7 Blockchain wallet belonging to Gregory Smith that was accessible
8 via Smith's iPhone.

9 The Court, having reviewed the papers and pleadings filed in this matter, hereby
10 FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- 11 • The above-listed property is forfeitable pursuant to 21 U.S.C. § 853(a), as it
12 constitutes proceeds of, and/or facilitated, an offense to which the
13 Defendant has pleaded guilty, namely Conspiracy to Distribute Controlled
14 Substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B),
15 841(b)(1)(C), and 846 (Dkt. No. 59, ¶ 7);
16 • The firearms described above as (1) one Target Patriot .327 Magnum
17 caliber revolver, with serial number 85768; and (2) one Taurus PT 1911 .45
18 caliber pistol, with serial number NGM94882 are also forfeitable pursuant
19 to 18 U.S.C. § 924(d)(1) as they constitute firearms involved or used in a
20 knowing violation of 18 U.S.C. § 924, an offense to which the Defendant
21 has pleaded guilty, (Dkt. No. 59, ¶ 7); and
22 • Pursuant to the plea agreement he entered on May 3, 2018, the Defendant
23 agreed to forfeit the above-listed property (Dkt. No. 59, ¶ 7).

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1 NOW, THEREFORE, THE COURT ORDERS:

2 1) Pursuant to 21 U.S.C. § 853(a), 18 U.S.C. § 924(d), and his plea agreement,
3 the Defendant's interest in the above-listed property is fully and finally forfeited, in its
4 entirety, to the United States;

5 2) Pursuant to Federal Rule of Criminal Procedure ("Fed. R. Crim. P.")
6 32.2(b)(4)(A)-(B), this Preliminary Order will become final as to Defendant at the time
7 he is sentenced; it will be made part of the sentence; and it will be included in the
8 judgment;

9 3) The United States Postal Service, and/or its authorized agents or
10 representatives, shall maintain the above-listed property in its custody and control until
11 further order of this Court;

12 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
13 United States shall publish notice of this Preliminary Order and its intent to dispose of the
14 above-listed property as permitted by governing law. The notice shall be posted on an
15 official government website—currently www.forfeiture.gov—for at least 30 days. For
16 any person known to have alleged an interest in the above-listed property, the United
17 States shall also, to the extent possible, provide direct written notice to that person. The
18 notice shall state that any person, other than the Defendant, who has or claims a legal
19 interest in the above-listed property must file a petition with the Court within 60 days of
20 the first day of publication of the notice (which is 30 days from the last day of
21 publication), or within 30 days of receipt of direct written notice, whichever is earlier.

22 The notice shall advise all interested persons that the petition:

- 23 a. shall be for a hearing to adjudicate the validity of the petitioner's
24 alleged interest in the above-listed property;
- 25 b. shall be signed by the petitioner under penalty of perjury; and,
- 26 c. shall set forth the nature and extent of the petitioner's right, title or
27 interest in the property, as well as any facts supporting the
28 petitioner's claim and the specific relief sought.

1 5) If no third-party petition is filed within the allowable time period, the
2 United States shall have clear title to the above-listed property, and this Preliminary
3 Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P.
4 32.2(c)(2);

5 6) If a third-party petition is filed, upon a showing that discovery is necessary
6 to resolve factual issues presented by that petition, discovery may be conducted in accord
7 with the Federal Rules of Civil Procedure before any hearing is conducted on the petition.
8 Following adjudication of any third-party petitions, the Court will enter a Final Order of
9 Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
10 adjudication; and

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1 7) The Court will retain jurisdiction for the purpose of enforcing this
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
4 Fed. R. Crim. P. 32.2(e).

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6 IT IS SO ORDERED.

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8 DATED this 9th day of November, 2018.

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11 Robert S. Lasnik
12 United States District Judge

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15 Presented by:

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